

Serial No. 10/626,233
Docket No. NEC 1030 DIV
Amendment D Under Rule 1.116

REMARKS

Claims 1 and 2 have been amended to clarify the invention, and to better define the invention over the prior art. No new matter has been added by the aforementioned changes.

The rejection of claims 1-3 under 35 USC 102(e) as being anticipated by Kaloyeros et al. (US Patent No. 6,077,571) is in error. Independent claim 1, as amended, positively recites a distinguishing structure namely "an orienting element using a d.c. electrical potential for orienting precursor molecules in the direction of the electrical field induced by said d.c. electrical potential." Kaloyeros et al. does not teach an orienting element as required by claim 1. Kaloyeros et al. teaches a conventional plasma CVD method using two oppositely charged electrodes placed above and below a semiconductor substrate thereby causing particles to be deposited upon the substrate. Furthermore, alignment of the orientation of the crystalline film is only one of several advantages obtained by controlling the orientation of precursor molecules utilizing electrical field in accordance with the present claimed invention. In addition to the above, the present invention has further advantages in terms of improvement in rate of growth of deposition by controlling the deposition of the molecules deposited on a surface of the substrate and promotion of uniformity in rate of film growth by uniform deposition of the precursor molecules on a surface of the substrate as discussed on page 3, lines 23 to 27 of the specification. Thus, Ex parte Masham and the several other cases cited by the Examiner are not applicable, and claim 1 cannot be said to be achieved by or rendered obvious by Kaloyeros et al.

Claims 2 and 3 depend, directly or indirectly, on independent claim 1 and are allowable for the same reasons as stated above, as well as for their own limitations.

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The Examiner's double-patenting rejection of claims 1-6, 11, 13, 14, 18, and 20 is noted. Applicant will file a Terminal Disclaimer once Applicant's claims are otherwise indicated to be allowable.

The foregoing Amendment makes no claim changes that would require further search by the Examiner. Claims 1 and 2 merely have been amended to clarify the invention. Accordingly, entry of the foregoing Amendment, and allowance of the Application, are respectfully requested.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER Maria F. Guerrero of the United States Patent and Trademark Office at facsimile number (571) 273-8300, on December 27, 2005 from Tucson, Arizona.

By 

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